

**REGULAR BOARD MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT TOWN HALL, 8635 CLINTON STREET, NEW HARTFORD, NY ON
WEDNESDAY, FEBRUARY 9, 2022 at 6:00 P.M.**

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Personnel Technician Barbara Schwenzfeier
Deputy Town Supervisor Anthony J. Trevisani
Town Attorney Herbert Cully
Cheryl A. Jassak-Huther, Town Clerk
Highway Chris Moran
Booker keeper to Supervisor – Deanna Spina

ABSENT: Highway Superintendent Richard Sherman

Thereafter a quorum was declared present for the transaction of business.

I. JANUARY 19, 2022 BOARD MEETING MINUTES

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 49 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve the meeting minutes for the January 19, 2022 Town Board Meeting.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

II. VOUCHERS

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 50 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to pay the vouchers.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

III. SUPERVISOR MISCIONE

- a. Mohawk Valley Water Authority - Upper Mohawk Valley Regional Finance Authority Board – Town of New Hartford turn to choose someone to be on the Board – Mitch Ford – 45 Wills Drive, New Hartford, NY

Councilman Woodland introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 51 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to appoint Mitch Ford to the Mohawk Valley Water Authority Upper Valley Regional Finance Authority Board.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

Town Attorney Herbert Cully disclosed that he is the attorney for the Water Board Finance Authority and he has not participated in this in any way.

- b. **TRANSFERS**: February 11, 2019 BAN – is due with Adirondack Bank – currently the BAN is \$3,291,762.00 (according to NYS BAN Rules and Regulations – there is a

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certain percentage on the following year you have to pay down toward the BAN to renew it) – also, have one coming up to be renewed in April – would like to extend to April then go out for a BOND because interest rates will be going up in the future – savings of \$50,000 - \$80,000 a year in interest costs over the term

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 52 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to close out the Capital Accounts of the current BAN: Total \$75,041.04 and transfer to V-26650-0 Debt Service Account - \$75,041.04.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 53 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to transfer from the Fund Balance Account - \$59,504.96 and put it into the Debt Service Account (V-26650.0) for \$59,504.96 (to pay off principal).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

SUPERVISOR MISCIONE – Debt Service Account – would leave a balance of \$115,226.00 from sale of equipment and other assets that we sold, plus additional money we just transferred from Debt Service giving a total of \$249,772.00.

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Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 54 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to pay Adirondack Bank for the 2019 BAN of \$3,291,762.00 – pay it down to \$3,041,990.00; will write a check to Adirondack Bank for \$249,772.00 on Friday, February 11, 2022 to pay down principal.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 55 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to extend the current BAN of \$3,041,990.00 after the principal payment is made, for two (2) months, until April 29, 2022 with Adirondack Bank.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

c. Records Destruction Authorization

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 56 OF 2022)

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RESOLVED, that the New Hartford Town Board does hereby approve for the Town Clerk to call CONFIDATA for Records Destruction of old documents in accordance of the MU 1 schedule.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

d. NBT Funds Transfer Agreement

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 57 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve for Deana Spina and Supervisor Miscione to sign the NBT Funds Transfer Agreement.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

e. POLICE VEHICLE

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 58 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to declare the police vehicle, 2013 Ford Taurus Interceptor as Surplus (VIN #1FAHP2M82DG158174).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye

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Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

IV. COUNCILMAN MESSA – Stormwater Project List (add to the list)

- a. Oxford Heights
- b. Willowvale Avenue and Irvin Avenue
- c. 3267 Oneida Street

V. COUNCILMAN LENART

- a. Property on Elm Street in Chadwicks – follow up - someone interested in property – following through with Town Attorney Herbert Cully (9364 Elm Street)
- b. Signs up on the Rayhill Trail look great

VI. TOWN ATTORNEY HERBERT CULLY

- a. **Solar Law** – the Solar Law was previously adopted, was never sent in to the Secretary of State for filing (had a transition in the Clerk’s Office); asking to re-adopt the same Local Law that was introduced on 3/4/2020 (Reynolds/Lenart), Public Hearing was held on 8/19/2020 (Woodland/Lenart), and adopted on 3/10/2021 (Reynolds/Messa) and never sent to the Secretary of State; Resolution was written up, dated (3/10/21) and signed by past employee Melody Fancett and sealed with the Town Clerk seal, never sent to the Secretary of State; it will now be 1 of 2022.

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 59 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve Local Law One (1) of 2022, entitled as a Local Law to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, Section 118-74 Solar Energy Systems.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

- b. **Mr. Pazik – Purchase of Land** – sent a letter indicating he had an interest in purchasing a property that is adjacent to his house on Collins Avenue – parcel 316.016-5-17 (actually on Liberty Avenue) – Darlene printed out the ownership from our tax rolls – this property is not owned by the Town of New Hartford – it is owned by Benderson Development Company – not basis for us to discuss selling it
- c. **Finalize the Pearse Easement** – we have developed the pond behind Foxcroft – looking for resolution for Paul to complete the acquisition – the cost \$5,950.00 for the easement – have funds in the grant

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 60 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to authorize Supervisor Miscione to complete the easement in the cost of \$5,950.00.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- d. **Red Flag Hearing** – The compassion shown by our New Hartford Police Department to the family is amazing; we have got to really be proud of our Police Department.

VII. SUPERVISOR MISCIONE

- a. Town and County Taxes – Excellent job in the Clerk’s Office – no issues, worked out really well
- b. Public Hearing on March 9th – Local Law for Cannabis

Councilman Woodland introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 61 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve a Public Hearing for March 9, 2022 for Local Law B of 2022 for Adult Use Cannabis Retail Dispensaries on Commercial Drive.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
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Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

c. **FIRE DISTRICT CONTRACTS**

- i. Village of New Hartford – District 1 and 2 - \$724,559.00

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 62 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve the Village of New Hartford Fire District Contract – District 1 and 2 - \$724,559.00 (in budget).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- ii. Village of New Hartford – District 3 - \$59,629.20.

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 63 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve the Village of New Hartford Fire District Contract – District 3 - \$59,629.20. (In budget).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

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The Resolutions were unanimously carried and duly **ADOPTED**.

iii. Village of New York Mills – District 5 – \$175,629.72

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 64 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve the Village of New York Mills Fire District Contract – District 5 - \$175,629.72 (in budget).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

iv. Willowvale Fire Department – District 4 - \$339,170.40

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 65 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve the Willowvale Fire District Contract - \$339,170.40 (in budget).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- d. **SENIOR CENTER** – Supervisor Miscione will be meeting with the New Hartford Public Library next Wednesday (Feb. 16, 2022) to work with the Library and Senior Center for a Program to work together – walking trails, AARP, Computer Programs –

meet with Marge, Councilman Reynolds, Supervisor Miscione and Library Committee – come up with a plan that will work with everyone; will meet at 11am at the Senior Center

e. Executive Session to Discuss an employee for Police

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 66 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to enter into Executive Session (6:32pm).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 67 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve come out of Executive Session (6:55pm).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

VIII. PRESENTATIONS/COMMENTS – 41 Bolton Road – neighbor interested in purchasing it – found out through the Town Crier – Town Attorney Herbert Cully – will start researching it, brought to his attention this evening – neighbors are interested in purchasing it – no applications have been submitted or pending to the Town Boards by anyone on this property – Councilman Reynolds will then report to the neighbors on the findings

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ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Councilman Messa and seconded Councilman Lenart, the meeting was adjourned at 6:59 P.M.

(RESOLUTION NO. 68 OF 2022)

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolutions were unanimously carried and duly ***ADOPTED***.

Respectfully submitted,

Cheryl Jassak-Huther

Town Clerk

2/10/2022